

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LLOYD SATERFIELD,

Plaintiff,

v.

DR. RITZ and DR. SMITH

Defendants.

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Case No. 3:18-cv-560-JPG-DGW

**MEMORANDUM AND ORDER**

Now pending before the Court is the Motion for Default Judgment filed by Plaintiff Lloyd Saterfield on May 23, 2018 (Doc. 24). The Motion is **DENIED**. Federal Rule of Civil Procedure 55(a) allows for entry of default by the Clerk if a party fails to “plead or otherwise defend, and that failure is shown by affidavit or otherwise.” Only after entry of default can a default judgment be entered. *See VLM Food Trading Int’l, Inc. v. Illinois Trading Co.*, 811 F.3d 247, 255 (7th Cir. 2016). Plaintiff did not seek entry of default prior to seeking default judgment. In any event, the only defendant served in this matter, Dr. Ritz, timely filed his Answer on May 25, 2018 (Doc. 25). As such, Plaintiff is not entitled to entry of default or default judgment. To the extent that Plaintiff seeks injunctive relief, such relief shall be considered along with his motion for a preliminary injunction (Doc. 12).

**DATED: June 13, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**District Judge**